

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

15 February 1983

PERSONNEL SECURITY SUBCOMMITTEE
REPORT ON DCID 1/14

A. DCI Security Committee Draft, 4 January 1982

On 2 December 1981, the SECOM voted 10 to 3 (OSD, USA, and USN dissented) to approve the draft revision to DCID 1/14 recommended to it by the PerSSub predecessor organization, the Investigative Standards Working Group. The SECOM had previously decided to remove ISWG recommendations from the draft regarding any references to the use of the polygraph. It was the intention of the SECOM to address polygraph use at a later date. This SECOM approved draft (subsequently dated 4 January 1982) was transmitted to the D/DCI via SECOM memorandum dated 6 January 1982 (SECOM-D-290) in which various options were presented and a request was made for guidance on how to proceed. The OSD dissenting position was attached to this correspondence. Action on the 4 January 1982 draft was deferred by agreement between the Intelligence Community Staff and OSD, pending DoD policy decisions in the personnel security arena. In any event, no limitations were placed on the PerSSub review of DCID 1/14 in the tasking memorandum from the Chairman, SECOM, dated 9 June 1982 (SECOM-D-204).

The draft revision of the DCID 1/14 approved by the SECOM on 2 December 1981 and subsequently dated 4 January 1982 (Tab A) is considered a favorable revision by the PerSSub. In fact, except for the issues identified below, the PerSSub again recommends its adoption.

B. Personnel Security subcommittee Draft, 7 February 1983

Using the SECOM 4 January 1982 draft as a base, the PerSSub unanimously recommends the changes incorporated in the attached draft dated 7 February 1983 (Tab B) for the reasons explained:

1. Change 1: Footnote not needed because of inclusion of "Definitions" paragraph with definition of SCI.

2. Change 2: The inclusion of a "Definitions" paragraph will specifically delineate the meaning of the terms commonly used in DCID 1/14. These definitions are taken verbatim from the approved revision of DCID 1/19. Also, this requires the changing of the numbering of subsequent paragraphs.

3. Change 3: Same explanation given for Change 1.

4. Change 4: To use the DCI-approved term SOIC vice SIO.

5. Change 5: Same explanation as that given for Change 4.

6. Change 6: Same explanation as that given for Change 4.

7. Change 7: Same explanation as that given for Change 4.
8. Change 8: Same explanation as that given for Change 4.
9. Change 9: Same explanation as that given for Change 4.
10. Change 10: Editorial.
11. Change 11: To insure consistent numbering of footnotes.
12. Change 12: Same explanation as that given for Change 11.
13. Change 13: Same explanation as that given for Change 4.
14. Change 14: Same explanation as that given for Change 4.
15. Change 15: Editorial.
16. Change 16: To make this sentence consistent with the changes recommended by the SECOM, PerSSub and CIA Office of General Counsel (see E, below).
17. Change 17: Editorial.
18. Change 18: Editorial.
19. Change 19: Same explanation as that given for Change 4.
20. Change 20: Same explanation as that given for Change 4.

C. OSD Proposal to Change Scope Coverage to Ten Years

On 14 September 1982, the PerSSub considered the OSD proposal for changing investigative coverage, as specified in the SECOM 4 January 1982 draft revision, from 15 to ten years (Tab C). OSD believes that a ten year period of coverage, as a minimum standard, is sufficient to surface significant information. OSD maintains that "It is a rare event, indeed, to take adverse action with respect to SCI access, based on information more than 10 years old." OSD further asserts that the adoption of a ten year scope coverage, combined with applying DCID 1/14 investigative requirements to Top Secret clearance standards within DoD, would help allay the longstanding concern SECOM has expressed over the adequacy of DoD investigative standards for access to non-SCI intelligence information.

The PerSSub voted against the OSD proposal, eight to five. Those who voted in favor of the OSD proposal were NSA, OSD, USA, USAF, and USN. Those who voted against were CIA, DIA, DoE, DoJ, State, Treasury, FBI, and USAF/SS.

D. Use of Polygraph

The PerSSub decided to reconsider the insertion of a polygraph requirement in DCID 1/14. The single event that provoked such reconsideration was the DoD policy change announced by DEPSECDEF memorandum, 6 August 1982, in which DoD components were authorized to conduct aperiodic, counterintelligence polygraph examinations on those individuals with SCI access.

The PerSSub position regarding the polygraph is at Tab D. The PerSSub believes that its recommendation (Number 1, Tab D) provides a definite improvement in the policy document and one that is flexible, viable and realistic. It introduces the subject of polygraph use in the most decentralized way, i.e., dependent upon the polygraph policy of the various departments and agencies. However, it simultaneously achieves the acknowledgement of the propriety of a polygraph policy in the SCI environment. Tied to the use of the polygraph is the broadening of the application of the personal interview. The second part of the PerSSub recommendation is to authorize, but not mandate, a personal interview "to ensure full investigative coverage" in addition to its current use to resolve adverse information or inconsistencies. Personal interviews are increasingly being accepted as a superior means of gathering information about the individual. The 1980 SECOM Personnel Security Survey concluded that personal interviews are most productive, only the polygraph examination being more productive. The PerSSub voted 12 to one (OSD dissented) in favor of the recommendation incorporating the polygraph paragraph and broader use of the personal interview in DCID 1/14. OSD contended that the wording of the recommendation may give the appearance of dispersing DoD authority in the polygraph arena to more Department officials than is presently the case. Additionally, OSD expressed concern that the adoption of virtually any reference to the polygraph in DCID 1/14 might be interpreted by DoD critics as representing an attempt to achieve a polygraph policy through the Intelligence Community that they were having difficulty achieving internally due to Congressional controversy surrounding a proposed DoD directive and regulation regarding polygraph use.

The PerSSub's alternative recommendation (Number 2, Tab D) represents an attempted compromise. The same rationale applies to the alternative as to the recommendation. However, by subsuming polygraph terminology in paragraph 10.m. it was hoped that some of the OSD objections would be satisfied. The PerSSub voted 12 to one (OSD dissenting) in favor of this as an acceptable alternative recommendation. OSD's objections were essentially the same as for the PerSSub recommendation.

The OSD PerSSub member had previously submitted an alternative polygraph proposal at the subcommittee's 10 November 1982 meeting. That proposal was defeated, OSD being the only member supporting it.

In an eleventh hour attempt to achieve a consensus, another compromise alternative was considered that was supported by OSD (Number 3, Tab D). This proposal was not recommended by the PerSSub because the language does not explicitly state that "the personal interview may include a polygraph examination," it only states that "the personal interview may be conducted by a qualified examiner."

It should be noted that by memorandum dated 28 December 1982, the OSD member of the SECOM recommended to the Chairman, PerSSub, that all references to the polygraph be excluded from the proposed draft of DCID 1/14. The OSD position was based upon two factors:

a. The earlier SECOM decision to separate the polygraph issue from the DCID 1/14 to effect a timely revision of that document.

b. The controversy then surrounding proposed changes to the DoD directive concerning use of the polygraph.

The 28 December 1982 OSD memorandum was made available to PerSSub members. The OSD position was duly weighed in the deliberations on the polygraph topic. However, as stated earlier, the PerSSub chose the recommendation and alternative recommendation specified at Tab D.

E. Office of the General Counsel, CIA, Recommendations

After the PerSSub had completed its deliberations on DCID 1/14 and had prepared the above recommendations, the Chairman of the Subcommittee was advised by the Executive Secretary, SECOM, that the CIA Office of the General Counsel had certain recommendations. These included changing all references to "SIO" to "SOIC", in accordance with current DCI policy. (This is one of the PerSSub's recommendations.) The CIA OGC also recommended that the DCID 1/14 designator not be changed, as is being considered by the Intelligence Community Staff. The CIA OGC recommendation is based upon the fact that the term is generally accepted in the legal and judicial environment as applying to the SCI personnel security access standards. The continued designation of "DCID 1/14" will make legal interaction easier and will suggest a constancy that is desirable in that discipline. There were three other specific changes recommended by the CIA OGC (Tab E) with explanations that follow:

1. Change 1: The inclusion of this term makes the standard comprehensive.

2. Change 2: This additional phrase articulates what is implied in the current DCID 1/14 wording.

3. Change 3: This added requirement reasonably limits the period of time an individual will have to request a final review. Without this limitation, an individual could wait indefinitely before requesting a final review of his case.